

AT A REGULARLY SCHEDULED MEETING OF THE DEVELOPMENT REVIEW COMMITTEE OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD IN THE BUILDING A CONFERENCE ROOM AT 4 P.M. ON THE 27th DAY OF FEBRUARY TWO THOUSAND EIGHT.

ROLL CALL

ABSENT

Mr. Jack Fraley
Mr. Joe Poole
Mr. George Billups
Mr. Tony Obadal
Mr. Rich Krapf

STAFF

Mr. Allen Murphy
Mr. Bill Porter
Mr. David German
Mr. Jose Ribeiro
Ms. Leanne Reidenbach
Mr. Scott Thomas
Mr. Bill Cain
Mr. Mike Woolson
Mr. Craig Pittman

MINUTES

Following a motion by Mr. Krapf, seconded by Mr. Billups, the DRC approved the minutes from the January 30, 2008 meeting.

C-0008-2007 Wythe-Will

Mr. Jose Ribeiro presented the staff report stating that this case was in front of the DRC for consistency with the Master Plan approved for SUP-0020-2006, Wythe-Will Commercial Expansion. Mr. Ribeiro stated that the property owner wishes to transfer 2,235 square feet of "*commercial space*" into an area identified by the approved Master Plan as office area and conversely, transfer the same square footage of "*office space*" into an area identified by the Master Plan as commercial area. The intent of this request is to accommodate the needs of one tenant that intends to run a dry-cleaner/drop off facility plant in a location designated as office space by the approved Master Plan. Mr. Ribeiro stated that there is no increase of either commercial or office square footage associated with this request. Mr. Ribeiro stated that staff had no objections to the request and recommended that the DRC recommend approval to the Planning Commission.

Mr. Obadal asked if the DRC was reviewing the site plan for the dry-cleaner. Mr. Ribeiro stated that the DRC was only reviewing the request to allow the transfer of commercial and office square footage.

Mr. Fraley stated that this case was in front of the DRC for consistency with the Master Plan.

Mr. Billups asked if the proposed dry cleaner would have appropriate parking and loading facilities. Mr. Billups also inquired if safety issues were taken into consideration.

Mr. Ribeiro stated that the proposed facility would be inspected by County agencies such as the Fire Department and Code Compliance.

Mr. Poole made a motion to approve the request. Mr. Krapf seconded and the DRC unanimously supported the motion (5-0).

SP-0138-2007, 4th Middle/9th Elementary School

Ms. Leanne Reidenbach presented the staff report stating that Mr. Aaron Small of AES Consulting Engineers had applied for preliminary approval to construct a joint elementary school, middle school, and associated facilities. The plan required DRC review because it proposed a group of buildings in excess of 30,000 square feet and three entrances on the same road. A sidewalk modification in accordance with Section 24-35 had also been requested. Ms. Reidenbach stated that all agencies had recommended preliminary approval and staff recommended preliminary approval subject to agency comments and approval of the sidewalk modification. Mr. Krapf stated that he had some concerns over the number of agency comments issued on the project. Mr. Cain noted that the comments were minor and that Environmental was okay with preliminary approval. Mr. Krapf noted that all comments should be addressed with the next submittal and also added that the soils table on sheet 1.1 was labeled White Hall. Mr. Fraley asked Mr. Cain to comment on the steep slope waiver and location of the BMPs along the perimeter of the property. Mr. Cain said that the Chesapeake Bay Ordinance was concerned with protecting steep slopes when they were going to be preserved. The majority of slopes on this site were internal to the project and would be eliminated. The ones on the perimeter were adjacent to the BMP and could not be eliminated because they were perpendicular to the dam and chasing grade was not an issue. He noted the steep slopes waiver had been approved. Mr. Fraley and Mr. Cain discussed concerns on the effects of stormwater runoff on Jolly Pond and why it was necessary to oversize the BMP to handle the flows and provide irrigation rather than using LID features.

Mr. Fraley and Mr. Small discussed comment #27 regarding slope stabilization and concluded the comment had already been addressed for the next submittal. Mr. Small also concurred that the comments were relatively minor for a project of this size. Mr. Poole asked about Parks and Recreation comments and emphasized the importance of working with them, particularly at school sites. Ms. Reidenbach and Mr. Alan Robertson, representative of W-JCC Schools, stated that Parks and Recreation had been integrally involved with development of the plan from the beginning and they were comfortable with preliminary approval. Mr. Fraley highlighted key features of the plan such as pervious paving, sustainable design strategies, geothermal, and irrigation methods and also encouraged applicants to submit more complete applications at the beginning to keep the process moving.

Mr. Billups and Mr. Small discussed the stability of cut and fill areas on the site and that the site would be left to settle for two months and then subject to review by a geotechnical engineer before the schools could be constructed. They also concluded that the area for the schools was the best of the 80 acre site to build on. Mr. Obadal and Mr. Small discussed fill materials and concerns that trees and vegetation not be used for fill on the site. Mr. Poole made a motion to recommend preliminary approval of the site plan subject to agency comments and approval of the sidewalk modification. He stated that it was a large project and so understandable that there would be a large amount of comments and that with residential growth, it was important to provide adequate public facilities. Mr. Krapf seconded and the DRC unanimously supported the motion (5-0).

S-0039-2006/ SP-0069-2006, Settlement at Powhatan Creek, Phase II

Mr. David German presented the staff report, stating that Mr. Ryan Stephenson of AES Consulting Engineers had applied for a sixty-six unit subdivision, which, upon final approval, would become Phase II of the Settlement at Powhatan Creek Subdivision. He noted that the project had been deferred by the DRC at its January 4, 2008 meeting. The project was originally approved as a rezoning by the Board of Supervisors on January 13, 2004, and then broken into four phases. Phase II needed to come before the DRC pursuant to Section 19-23(b) of the James City County Subdivision Ordinance because it features more than forty-nine housing units.

Mr. Fraley commented that since the project had last been before the DRC, the applicant had realigned part of the roadway leading from Phase II into (future) Phase III, and had eliminated three lots from the project, both in an effort to address the environmentally related concerns previously raised by the DRC. He indicated that he and former Planning Commissioner Ms. Shereen Hughes had met with the applicant and had appreciated the progress being made on the plans. He asked if the applicant could discuss, for the benefit of the newer DRC members, what the concerns had been at the January 4th DRC meeting, and how the applicant had addressed these concerns.

Mr. Howard Price of AES explained that the two greatest concerns had been the disturbance of steep slopes, and the reduction of the enhanced buffers along the Powhatan Creek main stem on the west side of the Phase II developable area. He concurred that the road had been pulled away from the buffer area as much as possible and that the three lots had been eliminated in response to these concerns.

Mr. Billups noted his concern about development on steep slopes, feeling that the County was ignoring its own rules, but stated that he could live with the compromises that had been made.

Mr. Krapf asked about the density of Phase II, and how it would influence the need for clear-cutting and mass grading.

Mr. Price responded that the developable area left to the developer in Phase II would need to be completely cleared and extensively graded to allow for the density being proposed. He noted that roughly two-thirds of the land contained in Phase II was not available for development, which necessitated a high density in the buildable area.

Mr. Krapf asked if a geotechnical engineer would be checking the soil and compaction rates as construction progressed, and Mr. Price responded that there would be.

Mr. Krapf asked if the development plans for Phase II conformed to the approved master plan for the project.

Mr. Jim Bennett of Monticello Woods Active Adult, LLC responded that the plans did conform to the Master Plan. Mr. Price commented that the current plans exceeded the environmental protections required by the master plan.

Mr. Fraley noted that the master plan for the Settlement at Powhatan Creek project was a “color blob” style master plan that did not obligate the developer to follow a specific road or lot alignment. Mr. Bennett concurred with Mr. Fraley, and added that the project plans were also consistent with the approved master plan in terms of the open space areas provided in the development.

Mr. Poole asked if the developer had considered removing the lots along the west side of South Square, (the main road of Phase II), which were causing the greatest concern. Mr. Bennett indicated that the developer could not achieve the authorized density / number of dwelling units (400) without these lots, and noted that the developer would not be able to realize a profit without them.

Mr. Poole acknowledged the fiscal impact that Mr. Bennett described, but said that he felt uncomfortable with housing units being constructed along such a sensitive area. Mr. Price responded that there was a net gain in the enhanced buffer versus what was required in the master plan.

Mr. Fraley asked if any members of the public wished to speak.

Ms. Ann Hewitt responded that she felt the current project was a “disgrace” and appealed to the applicant to sacrifice lots and profits in order to better protect the highly sensitive flora and fauna of the Powhatan main stem area.

Mr. Gerald Johnson commented that the soils map submitted by the applicant was a “travesty,” because it was very inaccurate. He also presented a hand-colored depiction of the cutting and filling that would need to take place to build the Phase II development as it was currently planned.

Mr. Obadal asked if the soils map provided by the applicant was suitable. Mr. Scott Thomas responded that the soils map submitted meets all County requirements, and that he recommends that Preliminary Approval of the project be granted by the DRC.

Mr. Bennett added that a geotechnical report for the whole site was completed before any part of the overall project to ensure the accuracy of their submitted reports. Mr. Johnson responded that

he felt the soils report to be “sloppy,” and added that the BMPs would not protect against twenty-five year storm events in their current design.

Mr. Thomas explained that, at the time the project was approved, BMPs were not required to meet this level of storm event.

Mr. Thomas and Mr. Murphy noted that the project met or exceeded all of the standards that were in place at the time of its approval, as required by ordinance.

Mr. Billups stated that he was concerned with the sustainability and health of the subdivision and of the watershed over time. Mr. Krapf asked if the project could be brought back to a special session of the DRC for further consideration, citing that he was new to the project, and that he wanted to have a better understanding of what he was considering.

Mr. Poole and Mr. Obadal concurred with this request. Mr. Fraley characterized this special meeting as a sort of DRC work session that would allow the Environmental Division and the applicant to explain how the project design had evolved over time to the DRC members. He asked Mr. Bennett if he preferred this sort of additional meeting, or if he would rather have the DRC members vote on the project based on their current understanding of it.

Mr. Bennett said that he would prefer to have the additional meeting if it could be held quickly.

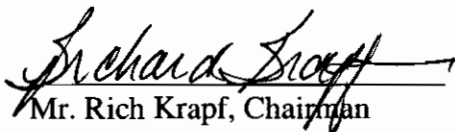
Mr. Fraley instructed Staff to organize a special meeting as quickly as possible, as asked for a motion to defer the case until that time, which was offered by Mr. Krapf. Mr. Poole seconded this motion, and the DRC members voted unanimously for deferral to a special meeting at a date to be determined.

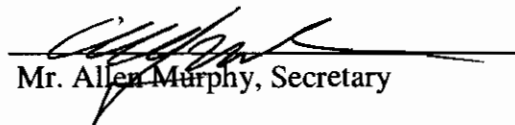
PUBLIC COMMENT PERIOD

No comments.

ADJOURNMENT

On a motion by Mr. Krapf and a second by Mr. Poole, the meeting was adjourned at 5:35 p.m.


Mr. Rich Krapf, Chairman


Mr. Allen Murphy, Secretary